

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 05-cv-329-GKF(SAJ)
)	
TYSON FOODS, INC., et al.,)	
)	
Defendants.)	

**REPORT TO COURT BY STATE OF OKLAHOMA REGARDING
CONFERENCE WITH DEFENDANTS AND PROPOSED
SCHEDULE FOR ADJUDICATION OF THE
STATE'S MOTION FOR PRELIMINARY INJUNCTION**

As required by the Court's Order of November 30, 2007, (Dkt. #1384), the parties met and conferred on December 5, 2007, regarding the respective proposed schedules for adjudication of the State's Motion for Preliminary Injunction.

During this conference, the parties were unable to reach agreement regarding any revisions to the proposed schedules. The State explained to Defendants the exigency of the situation; namely, a hearing of this matter is necessary at the Court's earliest convenience because the vast majority of Defendants' poultry waste is disposed of in the early months of the year. Fecal bacteria from that waste runs off and leaches into the water posing imminent risks to people who recreate in the IRW's rivers and streams and drink its groundwater. If Defendants' proposal for a hearing in May were adopted by the Court then it would be too late to prevent the imminent and substantial endangerment to human health which will result from Defendants' waste disposal practices during the 2008 recreation season.

While the State believes that its proposed schedule is appropriate, in light of Defendants' desire for additional time, the State offered to work with Defendants to propose a schedule that would result in a hearing no later than the second week of February, 2008. Defendants did not agree to such a schedule. Defendants made no offer to change any of the dates set forth in the schedule they submitted to the Court in their Motion filed on November 19, 2007.

Accordingly, the State is proceeding in accordance with the schedule it originally proposed. Consistent with that schedule, in addition to the affidavits attached to the Motion for Preliminary Injunction, the State has also provided Defendants with curriculum vitae, lists of publications, hourly rates, and lists of cases in which testimony has been given at trial or by deposition for each expert that provided affidavits in connection with the State's Motion for Preliminary Injunction. The State has also responded to the Tyson Defendants' Request for Production of Documents related to the Preliminary Injunction. Additionally, the State is providing the materials relied upon in forming the opinions set forth in the affidavits. Finally, the State has offered Defendants deposition dates for each of those experts.

While the State believes that its original scheduling proposal, *see* Dkt. #1384, is appropriate given the exigencies of the matter raised in the State's Motion for Preliminary Injunction, the State is prepared to discuss during the Friday conference interim scheduling dates for a scheduling order based upon a mid-February 2008 hearing date.

Respectfully Submitted,

W.A. Drew Edmondson OBA # 2628
ATTORNEY GENERAL
Kelly H. Burch OBA #17067
J. Trevor Hammons OBA #20234
Tina Lynn Izadi OBA #17978
Daniel P. Lennington OBA #21577
ASSISTANT ATTORNEYS GENERAL
State of Oklahoma
313 N.E. 21st St.
Oklahoma City, OK 73105
(405) 521-3921

/s/ M. David Riggs

M. David Riggs OBA #7583
Joseph P. Lennart OBA #5371
Richard T. Garren OBA #3253
Douglas A. Wilson OBA #13128
Sharon K. Weaver OBA #19010
Robert A. Nance OBA #6581
D. Sharon Gentry OBA #15641
RIGGS, ABNEY, NEAL, TURPEN,
ORBISON & LEWIS
502 West Sixth Street
Tulsa, OK 74119
(918) 587-3161

Louis Werner Bullock OBA #1305
BULLOCK, BULLOCK & BLAKEMORE
110 West Seventh Street Suite 110
Tulsa OK 74119
(918) 584-2001

James Randall Miller OBA #6214
222 S. Kenosha
Tulsa, Ok 74120-2421
(918) 743-4460

David P. Page OBA #6852
BELL LEGAL GROUP
P. O. Box 1769
Tulsa, Ok 74101-1769
(918) 398-6800

Frederick C. Baker
(admitted *pro hac vice*)
Lee M. Heath
(admitted *pro hac vice*)
Elizabeth C. Ward
(admitted *pro hac vice*)
Elizabeth Claire Xidis
(admitted *pro hac vice*)
MOTLEY RICE, LLC
28 Bridgeside Boulevard
Mount Pleasant, SC 29465
(843) 216-9280

William H. Narwold
(admitted *pro hac vice*)
Ingrid L. Moll
(admitted *pro hac vice*)
MOTLEY RICE, LLC
20 Church Street, 17th Floor
Hartford, CT 06103
(860) 882-1676

Jonathan D. Orent
(admitted *pro hac vice*)
Michael G. Rousseau
(admitted *pro hac vice*)
Fidelma L. Fitzpatrick
(admitted *pro hac vice*)
MOTLEY RICE, LLC
321 South Main Street
Providence, RI 02940
(401) 457-7700

Attorneys for the State of Oklahoma

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of December, 2007, I electronically transmitted the above and foregoing pleading to the Clerk of the Court using the ECF System for filing and a transmittal of a Notice of Electronic Filing to the following ECF registrants:

W. A. Drew Edmondson, Attorney General
Kelly H. Burch, Assistant Attorney General
J. Trevor Hammons, Assistant Attorney General

fc_docket@oag.state.ok.us
kelly_burch@oag.state.ok.us
trevor_hammons@oag.state.ok.us

Tina Lynn Izadi, Assistant Attorney General tina_izadi@oag.state.ok.us
Daniel P. Lennington, Assistant Attorney General daniel.lennington@oag.ok.gov

M. David Riggs driggs@riggsabney.com
Joseph P. Lennart jlennart@riggsabney.com
Richard T. Garren rgarren@riggsabney.com
Douglas A. Wilson doug_wilson@riggsabney.com
Sharon K. Weaver sweaver@riggsabney.com
Robert A. Nance rnance@riggsabney.com
D. Sharon Gentry sgentry@riggsabney.com
RIGGS, ABNEY, NEAL, TURPEN, ORBISON & LEWIS

Louis Werner Bullock lbullock@bullock-blakemore.com
BULLOCK, BULLOCK & BLAKEMORE

James Randall Miller rmiller@mkblaw.net

David P. Page dpage@edbelllaw.com
BELL LEGAL GROUP

Frederick C. Baker fbaker@motleyrice.com
Lee M. Heath lheath@motleyrice.com
Elizabeth C. Ward lward@motleyrice.com
Elizabeth Claire Xidis cxidis@motleyrice.com
William H. Narwold bnarwold@motleyrice.com
Ingrid L. Moll imoll@motleyrice.com
Jonathan D. Orent jorent@motleyrice.com
Michael G. Rousseau mrousseau@motleyrice.com
Fidelma L. Fitzpatrick ffitzpatrick@motleyrice.com
MOTLEY RICE, LLC
Counsel for Plaintiffs

Robert P. Redemann rredemann@pmrlaw.net
Lawrence W. Zeringue lzingue@pmrlaw.net
David C. Senger dsenger@pmrlaw.net
PERRINE, MCGIVERN, REDEMANN, REID, BARRY & TAYLOR, P.L.L.C.

Robert E Sanders rsanders@youngwilliams.com
Edwin Stephen Williams steve.williams@youngwilliams.com
YOUNG WILLIAMS P.A.
Counsel for Cal-Maine Farms, Inc and Cal-Maine Foods, Inc.

John H. Tucker jtucker@rhodesokla.com
Theresa Noble Hill thill@rhodesokla.com

Colin Hampton Tucker ctucker@rhodesokla.com
Leslie Jane Southerland lsoutherland@rhodesokla.com
RHODES, HIERONYMUS, JONES, TUCKER & GABLE

Terry Wayen West terry@thewestlawfirm.com
THE WEST LAW FIRM

Delmar R. Ehrich dehrich@faegre.com
Bruce Jones bjones@faegre.com
Dara D. Mann dmann@faegre.com
Krisann C. Kleibacker Lee kklee@faegre.com
Todd P. Walker twalker@faegre.com
FAEGRE & BENSON, LLP
Counsel for Cargill, Inc. & Cargill Turkey Production, LLC

James Martin Graves jgraves@bassettlawfirm.com
Gary V Weeks gweeks@bassettlawfirm.com
Paul E. Thompson, Jr pthompson@bassettlawfirm.com
BASSETT LAW FIRM

George W. Owens gwo@owenslawfirmpc.com
Randall E. Rose rer@owenslawfirmpc.com
OWENS LAW FIRM, P.C.
Counsel for George's Inc. & George's Farms, Inc.

A. Scott McDaniel smcdaniel@mhla-law.com
Nicole Longwell nlongwell@mhla-law.com
Philip Hixon phixon@mhla-law.com
Craig A. Merkes cmerkes@mhla-law.com
MCDANIEL, HIXON, LONGWELL & ACORD, PLLC

Sherry P. Bartley sbartley@mws gw.com
MITCHELL, WILLIAMS, SELIG, GATES & WOODYARD, PLLC
Counsel for Peterson Farms, Inc.

John Elrod jelrod@cwlaw.com
Vicki Bronson vbronson@cwlaw.com
P. Joshua Wisley jwisley@cwlaw.com
Bruce W. Freeman bfreeman@cwlaw.com
D. Richard Funk rfunk@cwlaw.com
CONNER & WINTERS, LLP
Counsel for Simmons Foods, Inc.

Stephen L. Jantzen
Paula M. Buchwald
Patrick M. Ryan
RYAN, WHALEY, COLDIRON & SHANDY, P.C.
sjantzen@ryanwhaley.com
pbuchwald@ryanwhaley.com
pryan@ryanwhaley.com

Mark D. Hopson
Jay Thomas Jorgensen
Timothy K. Webster
Thomas C. Green
SIDLEY, AUSTIN, BROWN & WOOD LLP
mhopson@sidley.com
jjorgensen@sidley.com
twebster@sidley.com
tcgreen@sidley.com

Robert W. George
Michael R. Bond
Erin W. Thompson
KUTAK ROCK, LLP
Counsel for Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., & Cobb-Vantress, Inc.
robert.george@kutakrock.com
michael.bond@kutakrock.com
erin.thompson@kutakrock.com

R. Thomas Lay
KERR, IRVINE, RHODES & ABLES
rtl@kiralaw.com

Jennifer Stockton Griffin
David Gregory Brown
LATHROP & GAGE LC
Counsel for Willow Brook Foods, Inc.
jgriffin@lathropgage.com

Robin S Conrad
NATIONAL CHAMBER LITIGATION CENTER
rconrad@uschamber.com

Gary S Chilton
HOLLADAY, CHILTON AND DEGIUSTI, PLLC
Counsel for US Chamber of Commerce and American Tort Reform Association
gchilton@hcdattorneys.com

Also on this 6th day of December, 2007 I mailed a copy of the above and foregoing pleading to:

David Gregory Brown
Lathrop & Gage LC
314 E HIGH ST
JEFFERSON CITY, MO 65101

Thomas C Green

Sidley Austin Brown & Wood LLP
1501 K ST NW
WASHINGTON, DC 20005

Cary Silverman

Victor E Schwartz

Shook Hardy & Bacon LLP (Washington DC)
600 14TH ST NW STE 800
WASHINGTON, DC 20005-2004

C Miles Tolbert

Secretary of the Environment
State of Oklahoma
3800 NORTH CLASSEN
OKLAHOMA CITY, OK 73118

Gary V. Weeks

Bassett Law Firm
P. O. Box 3618
Fayetteville, AR 72702

/s/ M. David Riggs